

REMARKS

I. NEW CLAIMS

Claims 1 to 10 were English translations of claims of an International application, PCT/EP 04/009794, which were not prepared in accordance with US Patent Office Rules. Accordingly claims 1 to 10 were canceled.

Claims 11 to 24 have been added, which have been drafted according to US Patent Office Rules. Claims 11 to 20 contain the subject matter of canceled claims 1 to 10. Dependent method claims 21 to 24 contain new subject matter regarding the claimed method from pages 14 and 15 of applicants' originally filed specification.

Particularly m-diaminobenzene claim 11 contains the subject matter of canceled claim 1, but has been drafted with an additional limitation to distinguish from the cited prior art, namely US 6,461,389 B1.

New independent m-diaminobenzene claim 13 contains the subject matter of canceled claim 3, which contained allowable subject matter according to paragraph 4 on page 3 of the Office Action.

New independent agent claim 14 contains the subject matter of canceled claim 4 and new claim 11.

New independent ready-to-apply composition claim 17 contains the subject matter of canceled claims 7 and 4, and new claim 11.

New method claim 20 contains subject matter based on canceled "use"

claim 10. The basis for this new method claims is found on pages 14 and 15 of applicants' originally filed specification.

II. FORMAL REJECTIONS

"Use" claim 10 was rejected under 35 U.S.C. 101 for claiming non-statutory subject matter. New claim 10 has been canceled without replacement, which obviates this rejection under 35 U.S.C. 101.

Claim 10 was rejected under 35 U.S.C. 112, second paragraph, for indefiniteness because it was unclear what method the claim was to encompass. Claim 10 has been canceled without replacement.

However new independent method claim 20, which claims a method of dyeing fibers using the compounds of canceled claim 1 and new claim 11, has been added. New dependent method claims 21 to 24 have also been added. Additional basis for the subject matter in the new method claims is found on pages 14 to 15 of applicants' originally filed specification.

III. ALLOWABLE SUBJECT MATTER

Claim 3 was found to contain allowable subject matter according to paragraph 4 on page 3 of the Office Action.

New claim 13 contains the subject matter of canceled claim 3. Claim 13 has been drafted as an independent claim that claims a diaminobenzene

compound of formula I selected from the group of compounds recited in canceled claim 3.

The prior art does not disclose or suggest any of the compounds of new claim 13. Favorable allowance of new claim 13 is respectfully solicited.

IV. ANTICIPATION REJECTION

Claims 1 to 2 and 4 to 10 were rejected as anticipated under 35 U.S.C. 102 (b) by Genet, et al (US Patent 6,461,389 B1).

Claim 8 of US '389 disclosed the m-diaminobenzene compounds of formula I in which Ar was a methyl-substituted imidazol group. For that reason US '389 anticipated the originally filed claim 1.

However claim 1 has now been replaced by new claim 11, which contains the subject matter of canceled claim 1 but excludes the m-diaminobenzene compounds of formula I in which Ar is an imidazolyl group. Claim 2 has been similarly replaced by new claim 12, which contains the subject matter of canceled claim 2, but excludes the imidazolyl group from the possible Ar groups.

US '389 only claims compounds in which Ar is the imidazolyl group in claim 8. Furthermore the only exemplary compounds disclosed in US '389 are compounds in which Ar is imidazolyl groups. Many of the foregoing compounds of claim 8 of US '389 do not include the 2,4-diaminophenyl group of the diaminobenzene compounds of formula I of the present application.

For the foregoing reasons claims 11 and 12 do not claim compounds

disclosed in US '389. In other words, US '389 does not anticipate any of the new claims presented above.

Thus it is respectfully submitted that **none** of the new claims 11 to 24 should be rejected as anticipated under 35 U.S.C. 102 (b) by Genet, et al.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549 4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', with a long horizontal flourish extending to the right.

Michael J. Striker,

Attorney for the Applicants

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